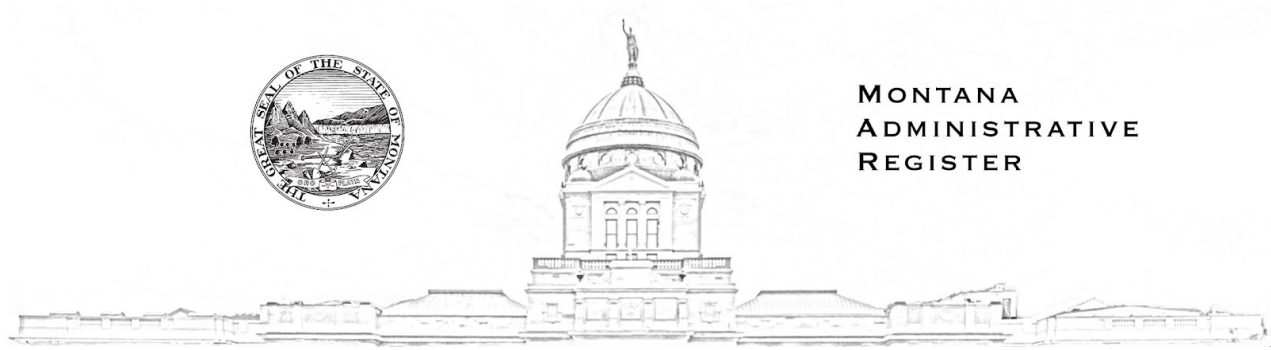




ISSUE NO. 15 – AUGUST 8, 2025

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**MONTANA
ADMINISTRATIVE
REGISTER**



BOARD OF PUBLIC EDUCATION

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-242.1

Summary

Adoption of NEW RULE 1 (10.53.414) through NEW RULE 13 (10.53.426) and repeal of ARM 10.53.401 through 10.53.413 pertaining to English Language Arts and Literacy Content Standards

Hearing Date and Time

Friday, August 29, 2025, at 10:00 a.m.

Virtual Hearing Information

Please click the link below to join the webinar:

<https://mt-gov.zoom.us/j/81890602864>

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, September 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 22, 2025, at 5:00 p.m.

Contact

McCall Flynn
(406) 444-6576
bpe@mt.gov

General Reasonable Necessity Statement

REASON: By authority of 20-7-101, MCA, standards of accreditation for all schools are adopted by the board upon the recommendation of the Superintendent of Public Instruction. The board considers recommendations for revision of the policies at any time it deems necessary and conducts a comprehensive review of standards of accreditation policies on a regular cycle to ensure that such policies are meeting the needs of the state. There have been numerous revisions over the last decade, but the last comprehensive review for English Language Arts and Literacy Content Standards was in 2011.

The English Language Arts and Literacy Content Standards are being revised to modernize literacy instruction, align with current research, and address the evolving needs of students and educators. Key updates include enhancements to the foundational reading standards for young learners—such as new strands on encoding and decoding—and the extension of these skills into the secondary grades. The standards that separated reading literature and reading informational text were removed to reflect how reading skills integrate and apply across genres and to eliminate redundancy with those standards.

To improve clarity and usability, the standards are now organized by grade level rather than by domain. The language domain was eliminated, with its content integrated into the writing, speaking, and listening domains. A new research and Inquiry domain was created to emphasize research skills as distinct from writing.

Specific curriculum examples were embedded in the content standards. These examples were removed from the standards language with the intent to provide this information in instructional guidance documents, rather than administrative rule. A glossary, proposed as NEW RULE 13, DEFINITIONS, was also added to define terms and phrases used within the standards, providing additional clarity for educators, families, and stakeholders. The revision strengthens Montana’s commitment to Indian Education for All by consistently incorporating language such as “texts by and about Montana Indigenous Peoples” and introducing a dedicated standard within the research and inquiry domain to support learning aligned with the Essential Understandings Regarding Montana Indians.

The updated standards are supported by a set of guiding literacy practices that emphasize relevant, transferable literacy and real-world skills. These practices are designed to promote

student literacy, agency, and success both in and beyond the classroom. Overall, the revised standards provide a streamlined, practical, and culturally responsive framework aligned with Montana’s broader educational goals.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 (10.53.414) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR LITERACY PRACTICE FOR GRADES K-12

- (1) Literacy practice standard 1 is to practice broad literacy engagement. Literate students routinely read a broad range of literary and informational texts for a variety of purposes.
- (2) Literacy practice standard 2 is to practice collaboration. Literate students collaborate with others using active communication skills.
- (3) Literacy practice standard 3 is to practice creativity. Literate students engage creatively to express their thoughts, deepen their understanding, and make connections.
- (4) Literacy practice standard 4 is to practice critical thinking. Literate students analyze, reason, problem solve, and make decisions.
- (5) Literacy practice standard 5 is to practice cultural considerations. Literate students acknowledge and respect diverse cultural perspectives, including those of Montana Indigenous Peoples.
- (6) Literacy practice standard 6 is to practice effective communication. Literate students routinely express their ideas through speaking and writing coherently in a broad range of literary and informational genres.
- (7) Literacy practice standard 7 is to practice strategic technology use. Literate students effectively and responsibly use technology to access and evaluate information to express ideas.
- (8) Literacy practice standard 8 is to practice student agency. Literate students take an active role in their learning, using guidance and feedback to connect their skills and knowledge to practical applications, college readiness, and career development.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 2 (10.53.415) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR KINDERGARTEN

- (1) Foundational reading standards for kindergarten are that each student will be able to:
 - (a) understand print concepts by:
 - (i) following words from left to right, top to bottom, and page by page;
 - (ii) recognizing the distinguishing features of a sentence;
 - (iii) locating essential text features of a book;
 - (b) understand phonemic awareness by:
 - (i) identifying initial, final, and medial phonemes in consonant-vowel-consonant (CVC) words with automaticity;
 - (ii) orally blending phonemes in CVC words with automaticity;
 - (iii) orally segmenting phonemes in CVC words with automaticity;
 - (c) demonstrate decoding skills by:
 - (i) naming and producing the most common sounds for all consonants;
 - (ii) demonstrating knowledge of phoneme-grapheme relationships between consonant graphemes and their most commonly occurring phonemes;
 - (iii) demonstrating knowledge of phoneme-grapheme relationships between vowel graphemes and short vowel phonemes;
 - (iv) decoding words using one-to-one phoneme-grapheme correspondences in VC and CVC words with accuracy;
 - (v) reading decodable texts accurately; and
 - (d) demonstrate encoding skills by:
 - (i) encoding words using one-to-one phoneme-grapheme correspondences in VC and CVC words with accuracy;
 - (ii) printing many upper and lowercase letters.
- (2) Vocabulary standards for kindergarten are that each student will be able to:

- (a) use word learning strategies to determine or clarify the meaning of unknown and multiple-meaning words and phrases;
 - (b) develop and apply expanding word knowledge through shared reading and classroom conversation; and
 - (c) with prompting and support, ask and answer questions about unknown words in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for kindergarten are that each student will be able to:
 - (a) read common high-frequency words with accuracy and automaticity.
- (4) Reading comprehension standards for kindergarten are that each student will be able to:
 - (a) with prompting and support, ask and answer questions about key details in text read aloud and presented through other media, including texts by and about Montana Indigenous Peoples;
 - (b) retell a familiar story;
 - (c) with prompting and support, participate in discussions about the central idea and key details in a text, including those by and about Montana Indigenous Peoples;
 - (d) during or after a shared reading or listening experience, identify elements within stories and describe connections between events or ideas in an informational text;
 - (e) identify whether a text is telling a story or sharing information; and
 - (f) identify who is telling the story at various points in a shared reading of a literary text, including texts by and about Montana Indigenous Peoples.
- (5) Writing standards for kindergarten are that each student will be able to:
 - (a) state a personal opinion orally, visually, or in written form;
 - (b) make an informative statement about a topic and offer one or two details about the topic, orally, visually, or in written form;
 - (c) tell a story with a beginning, middle, and end, orally, visually, or in written form;
 - (d) in a shared setting, develop and strengthen writing by using a process including planning and drafting;
 - (e) with prompting and support, form and expand simple sentences orally and in writing; and

- (f) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for kindergarten are that each student will be able to:
 - (a) with guidance, participate in shared research and writing projects, finding at least one topic to learn more about;
 - (b) with guidance, recall information from experiences or gather information from provided sources on a topic; and
 - (c) with guidance, participate in shared research, using grade-appropriate sources and diverse cultural perspectives, including those by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for kindergarten are that each student will be able to:
 - (a) participate in structured discussions and routines with a variety of partners, speak clearly, and practice taking turns and listen to others; and
 - (b) demonstrate grade-level appropriate command of the conventions of standard English grammar when speaking.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 3 (10.53.416) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FIRST GRADE

- (1) Foundational reading standards for first grade are that each student will be able to:
 - (a) understand phonemic awareness by:
 - (i) distinguishing long from short vowel sounds in spoken single-syllable words;
 - (ii) orally blending phonemes in complex single-syllable words; and
 - (iii) orally segmenting phonemes in complex single-syllable words;
 - (b) demonstrate decoding skills by:

- (i) demonstrating knowledge of phoneme-grapheme relationships between consonant digraph and trigraph graphemes and their most commonly occurring phonemes;
 - (ii) demonstrating knowledge of phoneme-grapheme relationships between common vowel graphemes and long vowel phonemes;
 - (iii) demonstrating knowledge of phoneme-grapheme relationships between common r-controlled vowel graphemes and phonemes;
 - (iv) decoding regularly spelled one-syllable words;
 - (v) decoding regularly spelled two-syllable words comprised of closed syllables following basic patterns, by breaking the words into syllables;
 - (vi) decoding words with inflectional endings; and
 - (vii) reading decodable texts accurately and with automaticity;
- (c) demonstrate encoding skills by:
 - (i) encoding one-syllable words that follow regular spelling patterns;
 - (ii) encoding two-syllable words comprised of closed syllables that follow regular spelling patterns;
 - (iii) encoding words with inflectional endings, focusing on words that retain their root spelling when an inflectional ending is added; and
 - (iv) printing upper and lowercase letters with automaticity.
- (2) Vocabulary standards for first grade are that each student will be able to:
 - (a) use word learning strategies to determine or clarify the meaning of unknown and multiple-meaning words and phrases;
 - (b) develop and apply expanding word knowledge through shared reading and classroom conversation; and
 - (c) ask and answer questions to help determine or clarify the meaning of words and phrases in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for first grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and expression to support comprehension; and
 - (b) read common high-frequency words with accuracy and automaticity.
- (4) Reading comprehension standards for first grade are that each student will be able to:

- (a) ask and answer questions about key details in text read aloud and presented through other media, including texts by and about Montana Indigenous Peoples;
 - (b) retell a story;
 - (c) participate in discussions about the central ideas and key details in a text, including those by and about Montana Indigenous Peoples;
 - (d) during or after a shared reading or listening experience, describe elements within stories and connections between events or ideas in informational text;
 - (e) identify basic text features and explain the differences between text that tell stories and texts that provide information; and
 - (f) identify character point of view in shared reading stories, including texts by and about Montana Indigenous Peoples.
- (5) Writing standards for first grade are that each student will be able to:
- (a) write an opinion piece providing one or more supporting reasons;
 - (b) write an informative statement that introduces a topic and includes one or more facts about the topic;
 - (c) write a narrative that introduces a clear beginning, middle, and end, including details to describe actions, thoughts, and feelings;
 - (d) develop and strengthen writing by using a process including planning, drafting, and implementing feedback;
 - (e) with prompting and support, form and expand simple sentences orally and in writing; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for first grade are that each student will be able to:
- (a) participate in shared research and writing projects, finding at least one topic to learn more about;
 - (b) recall information from experiences or gather information from provided sources on a topic; and
 - (c) with guidance, participate in shared research, using grade-appropriate sources and diverse cultural perspectives, including those by and about Montana Indigenous Peoples.

- (7) Speaking and listening standards for first grade are that each student will be able to:
 - (a) participate in structured discussions and routines with a variety of partners; practice taking turns and listening to others; and
 - (b) demonstrate grade-level appropriate command of the conventions of standard English grammar when speaking.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 4 (10.53.417) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SECOND GRADE

- (1) Foundational reading standards for second grade are that each student will be able to:
 - (a) demonstrate decoding skills by:
 - (i) demonstrating knowledge of phoneme-grapheme relationships between all complex vowel phonemes and graphemes;
 - (ii) decoding two-syllable words comprised of different syllable types that follow regular spelling patterns by breaking the words into syllables;
 - (iii) decoding words with common prefixes and suffixes;
 - (b) demonstrate encoding skills by:
 - (i) encoding one-syllable words with all phoneme-grapheme patterns;
 - (ii) encoding two-syllable words comprised of different syllable types that follow regular spelling patterns;
 - (iii) encoding words with common prefixes and suffixes, including words that require a spelling change to the root when adding an inflectional ending; and
 - (iv) printing upper and lowercase letters with automaticity and accuracy, including the introduction of cursive.
- (2) Vocabulary standards for second grade are that each student will be able to:

- (a) use word learning strategies, including knowledge of morphemes, to determine or clarify the meaning of unknown and multiple-meaning words and phrases;
 - (b) develop and apply expanding word knowledge and morphological awareness through shared reading, independent reading, and classroom conversation; and
 - (c) determine the meaning of words and phrases in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for second grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and expression to support comprehension; and
 - (b) read common high-frequency words with accuracy and automaticity.
- (4) Reading comprehension standards for second grade are that each student will be able to:
 - (a) ask and answer questions about a shared text to demonstrate an understanding of key details, including texts by and about Montana Indigenous Peoples;
 - (b) recount a portion of a text;
 - (c) determine the central ideas and key details in a text, including those by and about Montana Indigenous Peoples;
 - (d) during or after a shared reading or listening experience, describe the connections between elements, events, or ideas within fiction and nonfiction texts;
 - (e) describe the basic structure and features of different types of texts and identify the sequence of information or narrative within a text; and
 - (f) compare differences in characters' point of view in shared reading stories, including texts by and about Montana Indigenous Peoples.
- (5) Writing standards for second grade are that each student will be able to:
 - (a) write an opinion piece, providing several supporting reasons, and include a basic introduction and conclusion;
 - (b) write an informative piece that introduces a topic, includes facts about the topic, and has a basic introduction and conclusion;
 - (c) write a narrative that introduces a clear beginning, middle, and end, including details to describe actions, thoughts, and feelings, and uses transition words to signal sequence;

- (d) develop and strengthen writing by using a process including planning, drafting, revising, and implementing feedback;
 - (e) form and expand simple and compound sentences orally and in writing; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for second grade are that each student will be able to:
- (a) with guidance, participate in individual research and writing projects, finding at least one topic to learn more about;
 - (b) recall information from experiences, gather information from provided sources on a topic, and sort information into categories; and
 - (c) with guidance, participate in individual research, using grade-appropriate sources and diverse cultural perspectives, including those by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for second grade are that each student will be able to:
- (a) participate in structured discussions and routines with a variety of partners, consider and restate their perspectives, and ask questions to clarify ideas; and
 - (b) demonstrate grade-level appropriate command of the conventions of standard English grammar when speaking.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 5 (10.53.418) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR THIRD GRADE

- (1) Foundational reading standards for third grade are that each student will be able to:
- (a) demonstrate decoding skills by:
 - (i) decoding two- and three-syllable words comprised of all syllable types;
 - (ii) decoding two- and three-syllable words with common roots and affixes; and

- (b) demonstrate encoding skills by:
 - (i) encoding multisyllabic words including words with common affixes;
 - (ii) encoding two-syllable words comprised of different syllable types that follow regular spelling patterns; and
 - (iii) encoding words with common prefixes and suffixes, including words that require a spelling change to the root when adding an inflectional ending.
- (2) Vocabulary standards for third grade are that each student will be able to:
 - (a) develop and apply expanding word knowledge and morphological awareness through shared reading, independent reading, and classroom conversation; and
 - (b) determine the meaning of general academic and domain-specific words and phrases in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for third grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and expression to support comprehension.
- (4) Reading comprehension standards for third grade are that each student will be able to:
 - (a) ask and answer questions to demonstrate understanding of a text, referring explicitly to the text as a basis for the answers, including those by and about Montana Indigenous Peoples;
 - (b) paraphrase a text;
 - (c) identify and explain a stated central idea or theme and how it is developed with key details in a text, including those by and about Montana Indigenous Peoples;
 - (d) describe how elements within a fictional story contribute to the sequence of events and describe the sequence of events, steps, and or/ideas within nonfiction texts;
 - (e) identify figurative language;
 - (f) compare and contrast the structure and features of different types of texts; and
 - (g) distinguish their own point of view from that of the writer or those of the characters, including texts by and about Montana Indigenous Peoples.

- (5) Writing standards for third grade are that each student will be able to:
 - (a) write an opinion piece including an introduction, supporting reasons, linking words and phrases, and a conclusion;
 - (b) write an informative piece that includes an introduction, facts, definitions, details, and a conclusion;
 - (c) write a narrative about real or imagined experiences or events using descriptive details and clear sequences;
 - (d) develop and strengthen writing by using a writing process including planning, drafting, revising, implementing feedback, and editing;
 - (e) form and expand simple and compound sentences to write a paragraph; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for third grade are that each student will be able to:
 - (a) conduct short, guided research projects that build knowledge about a topic, referencing at least one source;
 - (b) recall information from experiences, gather information from multiple sources on a topic, and organize information into logical categories; and
 - (c) conduct short, guided research projects, using grade-appropriate fiction and nonfiction sources from diverse cultural perspectives, acknowledging the role of story and oral tradition in the histories, values, and beliefs of Montana Indigenous Peoples.
- (7) Speaking and listening standards for third grade are that each student will be able to:
 - (a) engage in collaborative discussions with a variety of partners on topics and texts, clearly expressing ideas and building on the ideas of others;
 - (b) recount the main ideas and supporting details of a text or portion of a text read aloud or presented through a variety of media formats; and
 - (c) report on a topic or text, tell a story, or recount an experience.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 6 (10.53.419) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FOURTH GRADE

- (1) Foundational reading standards for fourth grade are that each student will be able to:
 - (a) decode multisyllabic words using combined knowledge of letter-sound correspondences, syllabication patterns, and morpheme structures; and
 - (b) encode multisyllabic words using combined knowledge of taught letter-sound correspondences, syllabication patterns, and morpheme structures.
- (2) Vocabulary standards for fourth grade are that each student will be able to:
 - (a) develop and apply expanding word knowledge and morphological awareness through shared reading, independent reading, and classroom conversation; and
 - (b) determine the meaning of general academic and domain-specific words and phrases in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for fourth grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and expression to support comprehension.
- (4) Reading comprehension standards for fourth grade are that each student will be able to:
 - (a) refer to specific details and examples in a text to explain what it explicitly states and to draw inferences, including those by and about Montana Indigenous Peoples;
 - (b) summarize a portion of a text;
 - (c) identify and explain a stated or implied central idea or theme and how it is developed with key details in a text, including those by and about Montana Indigenous Peoples;
 - (d) explain the connections between elements within a fictional story and explain the relationships between events or ideas within nonfiction texts;
 - (e) identify and explain how figurative language contributes to the meaning of the text;
 - (f) describe how an author's structural choices and text features contribute to the overall meaning; and
 - (g) compare and contrast the point of view from which different texts are written, including those by and about Montana Indigenous Peoples.

- (5) Writing standards for fourth grade are that each student will be able to:
- (a) write opinion pieces with a clear organizational structure including an introduction and conclusion, reasons supported by facts and details, and linking words and phrases;
 - (b) write informative pieces with a clear organizational structure, including an introduction and conclusion, linking facts, definitions, and details using transition words;
 - (c) write narratives about real or imagined experiences or events using dialogue, descriptive details, and clear sequences;
 - (d) develop and strengthen writing by using a writing process including planning, drafting, revising, implementing feedback, and editing;
 - (e) write a paragraph using simple, compound, and complex sentences; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for fourth grade are that each student will be able to:
- (a) conduct short research projects that build knowledge of different aspects of a topic, referencing multiple relevant sources;
 - (b) gather and take notes on relevant information from multiple sources and organize information into logical categories; and
 - (c) conduct short research projects, using grade-appropriate fiction and nonfiction sources from diverse cultural perspectives, acknowledging the role of story and oral tradition in the histories, values, and beliefs of Montana Indigenous Peoples.
- (7) Speaking and listening standards for fourth grade are that each student will be able to:
- (a) engage in collaborative discussions with a variety of partners on topics and texts, clearly expressing ideas and building on the ideas of others;
 - (b) paraphrase portions of a text read aloud or information presented through a variety of media formats; and
 - (c) report on a topic or text, tell a story, or recount an experience in an organized manner using descriptive details to support main ideas or themes.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 7 (10.53.420) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR FIFTH GRADE

- (1) Foundational reading standards for fifth grade are that each student will be able to:
 - (a) decode multisyllabic words using combined knowledge of letter-sound correspondences, syllabication patterns, and morpheme structures; and
 - (b) encode multisyllabic words using combined knowledge of English graphemes, syllabication patterns, and taught morpheme structures.
- (2) Vocabulary standards for fifth grade are that each student will be able to:
 - (a) develop and apply expanding word knowledge and morphological awareness through shared reading, independent reading, and classroom conversation; and
 - (b) determine the meaning of general academic and domain-specific words and phrases in a text, including those with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for fifth grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and expression to support comprehension.
- (4) Reading comprehension standards for fifth grade are that each student will be able to:
 - (a) quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text, including those by and about Montana Indigenous Peoples;
 - (b) summarize a text;
 - (c) explain the development of a stated or implied central idea or theme over the course of a text, including those by and about Montana Indigenous Peoples;
 - (d) use key details to compare and contrast two or more elements within a fiction or nonfiction text;
 - (e) identify and explain how figurative language contributes to the meaning and tone of the text;

- (f) compare and contrast how text features, structures, and sequences of events or information in two or more texts contribute to the overall meaning;
 - (g) describe how a narrator's or author's point of view influences how events are described, including those by and about Montana Indigenous Peoples; and
 - (h) compare and contrast multiple accounts of the same event or topic, noting important similarities and differences, including in those by and about Montana Indigenous Peoples.
- (5) Writing standards for fifth grade are that each student will be able to:
- (a) write opinion pieces with a clear organizational structure including an introduction, logically ordered reasons supported by facts and details, linking words and phrases, and a conclusion;
 - (b) write informative pieces including an introduction and conclusion, linking facts, definitions, and details using transition words and write narratives about real or imagined experiences or events using dialogue, descriptive details, clear sequences, and transition words;
 - (c) develop and strengthen writing by using a writing process including planning, drafting, revising, implementing feedback, and editing;
 - (d) write a multi-paragraph piece using simple, compound, and complex sentences; and
 - (e) demonstrate grade-level appropriate command of the conventions of standard English grammar, capitalization, punctuation, and spelling when writing.
- (6) Research and inquiry standards for fifth grade are that each student will be able to:
- (a) conduct short research projects that build knowledge of different aspects of a topic, referencing a variety of relevant and reliable sources;
 - (b) gather and take notes on information from multiple relevant sources and organize information and provide a list of sources; and
 - (c) conduct short research projects using traditional and contemporary fiction and nonfiction sources from diverse cultural perspectives, including those by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for fifth grade are that each student will be able to:
- (a) engage in collaborative discussions with a variety of partners on topics and texts, clearly expressing ideas and building on the ideas of others;
 - (b) summarize a text read aloud or information presented through a variety of media formats; and

- (c) report on a topic or text or present an opinion, sequencing ideas logically and using appropriate facts and relevant, descriptive details to support main ideas or themes.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 8 (10.53.421) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SIXTH GRADE

- (1) Foundational reading standards for sixth grade are that each student will be able to:
 - (a) decode multisyllabic words accurately using combined knowledge of letter-sound correspondences, syllabication patterns, and morpheme structures.
- (2) Vocabulary standards for sixth grade are that each student will be able to:
 - (a) infer the meaning of words and phrases as they are used in fiction and nonfiction texts, including words and phrases with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for sixth grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and prosody to support comprehension.
- (4) Reading comprehension standards for sixth grade are that each student will be able to:
 - (a) cite textual evidence that supports analysis of what a text explicitly states, as well as inferences drawn from the text, including those by and about Montana Indigenous Peoples;
 - (b) provide an objective summary of the text;
 - (c) determine a theme or central idea of a text and explain how it is conveyed through particular details, including those by and about Montana Indigenous Peoples;
 - (d) determine how elements of a text are developed and build toward a conclusion;
 - (e) analyze the impact of specific word choice on meaning and tone, including figurative, connotative, and technical meanings;

- (f) analyze how a sentence, section, chapter, scene, or stanza fits into the overall structure or theme of a text;
 - (g) describe how an author's background and lived experiences affect the points of view in texts, including culturally diverse texts and those that represent the perspectives of Montana Indigenous Peoples; and
 - (h) compare and contrast texts in different genres in terms of their approaches to similar topics, including culturally diverse texts and those by and about Montana Indigenous Peoples.
- (5) Writing standards for sixth grade are that each student will be able to:
- (a) write arguments using claims supported with clear reasons and relevant evidence;
 - (b) write informative texts on a topic that convey ideas through the selection, organization, and analysis of relevant content;
 - (c) write narratives about real or imagined events, using narrative techniques to engage the reader;
 - (d) develop and strengthen the writing process by planning, revising, editing, implementing feedback, or trying a new approach;
 - (e) write a cohesive, multi-paragraph text using a variety of simple, compound, and complex sentences; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar and usage when writing or speaking.
- (6) Research and inquiry standards for sixth grade are that each student will be able to:
- (a) conduct research projects that answer a question, drawing on several reliable sources;
 - (b) gather and determine the credibility of multiple sources and quote or summarize the information and provide a list of sources; and
 - (c) analyze the relationship between primary and secondary sources by conducting short research projects using sources from diverse cultural perspectives, including those written by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for sixth grade are that each student will be able to:
- (a) engage in a range of collaborative discussions with a variety of partners on topics, texts, and issues;

- (b) summarize and explain information presented in diverse media formats and how the format contributes to a topic, text, or issue;
- (c) describe a speaker's argument and specific claims, considering the speaker's perspective; and
- (d) present information using reasons and evidence appropriate for the context, sequencing ideas logically.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 9 (10.53.422) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR SEVENTH GRADE

- (1) Foundational reading standards for seventh grade are that each student will be able to:
 - (a) decode multisyllabic words accurately using combined knowledge of letter-sound correspondences, syllabication patterns, and morpheme structures.
- (2) Vocabulary standards for seventh grade are that each student will be able to:
 - (a) articulate the potential effect of a specific word choice on the meaning when given two word choices in a set context, including words with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for seventh grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and prosody to support comprehension.
- (4) Reading comprehension standards for seventh grade are that each student will be able to:
 - (a) cite several pieces of textual evidence to support analysis of what a text explicitly states, as well as inferences drawn from the text, including those by and about Montana Indigenous Peoples;
 - (b) provide an objective summary of the text;
 - (c) determine a theme or central idea of a text and analyze its development over the course of the text, including those by and about Montana Indigenous Peoples;

- (d) analyze how particular elements of a text interact throughout its development;
 - (e) determine the shades of meaning of words and phrases as they are used in a text, including figurative, connotative, and technical language, and their impact on meaning and tone;
 - (f) analyze how a text's form or structure contributes to its meaning;
 - (g) describe how an author's background and lived experiences affect the points of view in texts, including in culturally diverse texts and those that represent the perspectives of Montana Indigenous Peoples; and
 - (h) analyze how two or more authors writing about the same topic present information, using culturally diverse texts from different genres, including those by and about Montana Indigenous Peoples.
- (5) Writing standards for seventh grade are that each student will be able to:
- (a) write arguments that support claims and acknowledge a counterclaim with clear reasons and relevant evidence;
 - (b) write informative texts that examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of sufficient content;
 - (c) write narratives about real or imagined experiences or events, establishing a clear context and point of view;
 - (d) develop and strengthen the writing process by planning, revising, editing, rewriting, implementing feedback, or trying a new approach, focusing on purpose and audience; and
 - (e) write a cohesive, multi-paragraph text using simple, compound, complex, and compound-complex sentences and demonstrate grade-level appropriate command of the conventions of standard English grammar and usage when writing or speaking.
- (6) Research and inquiry standards for seventh grade are that each student will be able to:
- (a) conduct research projects that answer self-generated questions, drawing on several reliable sources;
 - (b) gather and determine the credibility of multiple sources; use effective research strategies; quote, paraphrase, and summarize information; and provide in-text citations and a bibliography; and

- (c) conduct short research projects to identify the role of story, narrative, and oral tradition using sources from diverse cultural perspectives, values, beliefs, and points of view, including those of Montana Indigenous Peoples.
- (7) Speaking and listening standards for seventh grade are that each student will be able to:
 - (a) engage in a range of collaborative discussions with a variety of partners on topics, texts, and issues, building on others' ideas;
 - (b) analyze the main ideas and supporting details presented in diverse media and formats and how the format contributes to a topic, text, or issue;
 - (c) delineate a speaker's argument and specific claims, determining the relevance and sufficiency of the evidence and identify the speaker's perspective; and
 - (d) present information with relevant evidence in a focused, coherent manner appropriate to purpose, audience, and task.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 10 (10.53.423) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR EIGHTH GRADE

- (1) Foundational reading standards for eighth grade are that each student will be able to:
 - (a) decode multisyllabic words accurately using combined knowledge of letter-sound correspondences, syllabication patterns, and morpheme structures.
- (2) Vocabulary standards for eighth grade are that each student will be able to:
 - (a) articulate the potential effect of specific word choice on meaning when given two comparative texts on the same subject or event, including words and phrases with cultural significance to Montana Indigenous Peoples.
- (3) Fluency standards for eighth grade are that each student will be able to:
 - (a) read grade-appropriate texts with sufficient accuracy, rate, and prosody to support comprehension.
- (4) Reading comprehension standards for eighth grade are that each student will be able to:

- (a) cite the textual evidence that most strongly supports an analysis of what a text explicitly states, as well as inferences drawn from the text, including those by and about Montana Indigenous Peoples;
 - (b) provide an objective summary of the text;
 - (c) analyze the development of a theme or central idea over the course of the text and its relationship to specific elements of the text, including those by and about Montana Indigenous Peoples;
 - (d) analyze the author's choices in developing a text with attention to specific elements or features of the text;
 - (e) evaluate the impact of specific word choice, including figurative, connotative, and technical language, on meaning and tone;
 - (f) compare and contrast the structure of two or more texts and analyze how the differing structure of each text affects its meaning;
 - (g) analyze how point of view or purpose shapes the content and style of a text, including in culturally diverse texts and those by and about Montana Indigenous Peoples; and
 - (h) analyze the relationship between two or more texts that provide conflicting information or depictions of the same topic, using culturally diverse texts from different genres, including those by and about Montana Indigenous Peoples.
- (5) Writing standards for eighth grade are that each student will be able to:
- (a) write arguments that support claims and counterclaims with clear reasons and relevant evidence that follow a logical progression;
 - (b) write informative texts that examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of sufficient content;
 - (c) write narratives about real or imagined experiences or events, using descriptive details, well-structured event sequences, and transitions to convey shifts in time or setting;
 - (d) develop and strengthen the writing process by planning, revising, editing, rewriting, implementing feedback, or trying a new approach, focusing on how well purpose and audience have been addressed;
 - (e) write a cohesive multi-paragraph text appropriate to task and purpose using a variety of sentence types; and
 - (f) demonstrate grade-level appropriate command of the conventions of standard English grammar and usage when writing or speaking.

- (6) Research and inquiry standards for eighth grade are that each student will be able to:
 - (a) conduct research projects that answer self-generated questions and allow for multiple avenues of exploration, drawing on several reliable sources;
 - (b) gather and determine the credibility of multiple sources; use effective research strategies; quote, paraphrase, and summarize information; and provide in-text citations and a bibliography according to a standard style; and
 - (c) conduct short research projects to analyze the role of story, narrative, and oral tradition when reading sources from diverse cultural perspectives, values, beliefs, and points of view, including those of Montana Indigenous Peoples.
- (7) Speaking and listening standards for eighth grade are that each student will be able to:
 - (a) engage in a range of collaborative discussions with a variety of partners on topics, texts, and issues, building on others' ideas and expressing their own clearly;
 - (b) analyze the purpose of information presented in diverse media and formats and evaluate the motives behind its presentation;
 - (c) delineate a speaker's argument and specific claims, evaluating the reasoning, evidence, and the speaker's perspective; and
 - (d) present information with relevant evidence, emphasizing the main point in a focused, coherent manner appropriate to purpose, audience, and task.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 11 (10.53.424) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR NINTH AND TENTH GRADES

- (1) Foundational reading standards for ninth and tenth grades are that each student will be able to:
 - (a) decode using combined knowledge of syllabication patterns and morphology to accurately read unfamiliar multisyllabic words in and out of context.
- (2) Vocabulary standards for ninth and tenth grades are that each student will be able to:

- (a) determine the meaning of words and phrases in context, including figurative, connotative, cultural, and technical meanings and words and phrases with cultural significance to Montana Indigenous Peoples; and
 - (b) identify and correctly use patterns of word changes that indicate different meanings or parts of speech.
- (3) Fluency standards for ninth and tenth grades are that each student will be able to:
 - (a) read grade-appropriate text with fluency, which includes accuracy, automaticity, and prosody, to support oral and silent reading comprehension.
- (4) Reading comprehension standards for ninth and tenth grades are that each student will be able to:
 - (a) cite textual evidence to support analysis of both explicit and inferred meanings, including those by and about Montana Indigenous Peoples;
 - (b) provide an objective summary of a text;
 - (c) analyze how a theme or central idea is developed over the course of a text and discuss how emerging details shape, define, or forward the theme or central idea, including texts by and about Montana Indigenous Peoples;
 - (d) analyze the author's choices in developing a text with attention to specific elements or features of the text;
 - (e) analyze the impact of specific word choice, including figurative, connotative, and technical language, on meaning and tone;
 - (f) analyze how an author's choices to structure a text create specific effects and impact meaning;
 - (g) determine an author's point of view or purpose and analyze how the author communicates point of view or purpose, including culturally diverse texts and those by and about Montana Indigenous Peoples; and
 - (h) analyze how an author draws on and transforms source material in a specific work, comparing themes, topics, and rhetorical features where relevant, including culturally diverse texts and those by and about Montana Indigenous Peoples.
- (5) Writing standards for ninth and tenth grades are that each student will be able to:
 - (a) write arguments that support claims and counterclaims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence;
 - (b) write informative texts that examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content;

- (c) write narratives to develop real or imagined experiences or events using effective narrative techniques, well-chosen details, and well-structured event sequences;
 - (d) develop and strengthen writing by planning, organizing, drafting, revising, implementing feedback, and editing to produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience; and
 - (e) demonstrate stylistically appropriate command of the conventions of standard English grammar and usage when writing or speaking.
- (6) Research and inquiry standards for ninth and tenth grades are that each student will be able to:
- (a) conduct research projects that answer a question or solve a problem, producing a product that demonstrates understanding of the subject under investigation;
 - (b) gather and synthesize credible information from multiple sources, using the research strategies effectively and quote or paraphrase using in-text citations and provide a reference page according to a standard style; and
 - (c) conduct research by analyzing sources for stereotypes, assumptions, and conflicting perspectives, including culturally diverse sources and those by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for ninth and tenth grades are that each student will be able to:
- (a) initiate and engage in a range of collaborative discussions with a variety of partners on topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively;
 - (b) evaluate the credibility and accuracy of a variety of sources and identify the motives behind their presentation;
 - (c) analyze a speaker's point of view, reasoning, and use of evidence and rhetoric; identify fallacies, faulty reasoning, and problematic evidence; and consider the cultural backgrounds and lived experiences of the speaker and audience; and
 - (d) present information, findings, and supporting evidence logically, in a manner appropriate to purpose, audience, and task.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

**NEW RULE 12 (10.53.425) ENGLISH LANGUAGE ARTS AND LITERACY STANDARDS FOR
ELEVENTH AND TWELFTH GRADES**

- (1) Foundational reading standards for eleventh and twelfth grades are that each student will be able to:
 - (a) decode using combined knowledge of syllabication patterns and morphology to accurately read unfamiliar multisyllabic words in and out of context.
- (2) Vocabulary standards for eleventh and twelfth grades are that each student will be able to:
 - (a) determine the inferred meaning of words and phrases, citing context, morphology, etymology, and cultural influences on language changes over time, including words and phrases with cultural significance to Montana Indigenous Peoples; and
 - (b) identify and correctly use patterns of word changes that indicate different meanings or parts of speech.
- (3) Fluency standards for eleventh and twelfth grades are that each student will be able to:
 - (a) read grade-appropriate text with fluency, which includes accuracy, automaticity, and prosody, to support oral and silent reading comprehension.
- (4) Reading comprehension standards for eleventh and twelfth grades are that each student will be able to:
 - (a) cite textual evidence to support analysis of both explicit and inferred meanings, including texts by and about Montana Indigenous Peoples;
 - (b) provide an objective summary of a text;
 - (c) analyze the development of two or more themes or central ideas over the course of the text and determine how they interact and build on one another to produce a complex presentation, including texts by and about Montana Indigenous Peoples;
 - (d) analyze the author's choices in developing a text with attention to specific elements or features of the text;
 - (e) analyze word choice including figurative, connotative, historical, and technical language, and its impact on meaning and tone;
 - (f) analyze how an author's choices to structure specific parts of a text contribute to a text's development, meaning, and effectiveness;

- (g) analyze an author's point of view or purpose and how style, content, and rhetoric contribute to the text, including those by and about Montana Indigenous Peoples; and
 - (h) analyze foundational documents of historical and literary significance, comparing themes, topics, and rhetorical features where relevant, including culturally diverse texts and those by and about Montana Indigenous Peoples.
- (5) Writing standards for eleventh and twelfth grades are that each student will be able to:
- (a) write multifaceted arguments that support claims and counterclaims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence;
 - (b) write informative texts that examine and convey advanced ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content;
 - (c) write narratives to develop real or imagined experiences or events using effective narrative techniques, well-chosen details, and well-structured event sequences;
 - (d) develop and strengthen writing by planning, organizing, drafting, revising, implementing feedback, and editing to produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience; and
 - (e) demonstrate stylistically appropriate command of the conventions of standard English grammar and usage when writing or speaking.
- (6) Research and inquiry standards for eleventh and twelfth grades are that each student will be able to:
- (a) conduct both short and in-depth research projects that answer questions or solve problems, using multiple reliable sources and demonstrating understanding of the subject under investigation;
 - (b) gather and synthesize relevant information from multiple sources, using advanced research strategies, citing accurately and appropriately and providing an annotated bibliography according to a standard style; and
 - (c) conduct research using self-generated questions by analyzing sources for bias and misinformation, including culturally diverse sources and those by and about Montana Indigenous Peoples.
- (7) Speaking and listening standards for eleventh and twelfth grades are that each student will be able to:

- (a) initiate and engage in a range of collaborative discussions with a variety of partners on topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively;
- (b) evaluate the credibility, accuracy, and presentation of multiple sources in a variety of formats and from multiple perspectives;
- (c) evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric and consider the cultural backgrounds and lived experiences of the speaker and audience; and
- (d) present a clear and distinct argument that addresses opposing perspectives using information, findings, and supporting evidence, in a manner appropriate to purpose, audience, and task.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

NEW RULE 13 (10.53.426) DEFINITIONS

For purposes of the English language arts and literacy content standards contained in this subchapter, the following definitions apply:

- (1) "Automaticity" means the ability to read words quickly and effortlessly.
- (2) "Connotative" describes implied ideas or associations beyond the denotative meaning of a word.
- (3) "Decoding" means the ability to apply sound-symbol relationships to read words.
- (4) "Encoding" means the translation of spoken word or sounds into writing or spelling.
- (5) "Etymology" means the study of the origin of words and the historical development of their meaning.
- (6) "Figurative" describes non-literal or metaphorical use of language.
- (7) "Fluency" means the ability to read a text accurately, with appropriate pace and expression. Fluency includes the skills of accuracy, automaticity, and prosody.
- (8) "Grapheme" means a letter or group of letters that represents a single phoneme.
- (9) "Morpheme" means the smallest meaningful unit of language that cannot be further divided, including affixes, prefixes, suffixes, and roots.

- (10) "Morphological awareness" means the recognition, understanding, and use of morphemes that strengthens word recognition and spelling.
- (11) "Morphology" means the study of morphemes and how they are combined.
- (12) "Phoneme" means an individual sound. English is made up of 44 phonemes.
- (13) "Phoneme-grapheme correspondence" means the ability to match a phoneme (single sound) to a grapheme (written representation) and vice versa.
- (14) "Phonemic awareness" means the ability to recognize and manipulate individual phonemes in spoken language.
- (15) "Phonological awareness" means the ability to recognize and manipulate various sounds in spoken language, including word parts, syllables, rhymes, and phonemes.
- (16) "Prosody" means reading with appropriate expression and intonation, including pitch, tone, volume, and word emphasis.
- (17) "Rhetoric" means the art of effective speaking or writing.
- (18) "Syllabication" means the division of words into syllables.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-2-121, 20-3-106, 20-7-101, MCA

REPEAL

The rules proposed to be repealed are as follows:

10.53.401 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR READING

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.402 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR WRITING

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.403 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR SPEAKING AND LISTENING

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.404 COLLEGE AND CAREER READINESS ANCHOR STANDARDS FOR LANGUAGE

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.405 READING STANDARDS FOR LITERATURE

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.406 READING STANDARDS FOR INFORMATIONAL TEXT

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.407 READING STANDARDS: FOUNDATIONAL SKILLS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.408 WRITING STANDARDS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.409 SPEAKING AND LISTENING STANDARDS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.410 LANGUAGE STANDARDS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.411 READING STANDARDS FOR LITERACY IN HISTORY/SOCIAL STUDIES

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.412 READING STANDARDS FOR LITERACY IN SCIENCE AND TECHNICAL SUBJECTS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

10.53.413 WRITING STANDARDS FOR LITERACY IN HISTORY/SOCIAL STUDIES, SCIENCE, AND TECHNICAL SUBJECTS

Authorizing statute(s): 20-2-114, MCA

Implementing statute(s): 20-2-121, 20-3-106, 20-7-101, MCA

Small Business Impact

The board adopts rules that primarily impact teachers, administrators, and school district operations. The board works in cooperation with public schools across the state to implement the rules that are adopted. Given that the board does not work directly with small businesses,

the small business impact analysis performed as required under 2-4-111, MCA, indicates that no small businesses are likely to be directly impacted by the proposed rule changes.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by email unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the board.

Rule Reviewer

McCall Flynn

Approval

Dr. Tim Tharp

Board Chair



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-139.1

Summary

Adoption of NEW RULE 1, NEW RULE 2, and NEW RULE 3 pertaining to public participation

Hearing Date and Time

Friday, August 29, 2025, at 10:00 a.m.

Virtual Hearing Information

Join Zoom Meeting

<https://mt-gov.zoom.us/j/83143886853?pwd=3R1lJfaPWh4cTn7aeapvrmtJKMJGrl.1>

Meeting ID: 831 4388 6853

Password: 769388

Dial by Telephone

+1 646 558 8656

Meeting ID: 831 4388 6853

Password: 769388

Find your local number:

<https://mt-gov.zoom.us/j/kyYfKZqsb>

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action at the hearing on August 29, 2025, or in writing to the contact person listed below. Comments must be received by Monday, September 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 18, 2025, at 5:00 p.m.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

General Reasonable Necessity Statement

The department previously adopted the model rules for public participation found in ARM Title 1, chapter 3, subchapter 1. ARM 32.2.101. These model rules were repealed effective June 22, 2024, and thus the department needs to adopt new public participation rules pursuant to 2-3-103(2), MCA. The department proposes to adopt three new rules to guide public participation for the department and its administratively attached boards. The department intends to propose to each of its attached boards the adoption of these model rules to ensure consistency and uniformity of public participation department wide.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 (32.2.103) POLICIES AND OBJECTIVES IN PROVIDING PUBLIC PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF LIVESTOCK

- (1) Participation of the public is to be provided for, encouraged, and assisted with to the fullest extent practicable, consistent with other requirements of state law, and the rights and requirements of personal privacy. The department invites and encourages public participation to better identify and meet customer needs. The major objectives of public participation include:
 - (a) greater responsiveness of governmental actions to public concerns and priorities; and
 - (b) improved public understanding of official programs and actions.
- (2) The public is also advised that in accordance with 2-3-103, MCA, an opportunity for public comment on any public matter not on the agenda of the department's public meetings and that is within the department's jurisdiction is given. No action will be taken on these matters until proper notice has been given under the provisions of Montana law.
- (3) Department employees shall make decisions based on what is best for the customer, both internal and external, within the parameters of applicable laws and administrative rules.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

NEW RULE 2 (32.2.104) GUIDELINES FOR DETERMINATION OF SIGNIFICANT INTEREST TO THE PUBLIC

- (1) The adoption, amendment, or repeal of any rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law, or policy, procedure, or practice requirements of the department are considered matters of significant interest to the public and require notice and opportunity for public participation in the decision-making process.
- (2) In all other cases, whether or not the decision is one of significant interest to the public will be determined by the person within the department who is proposing the decision, according to the following considerations:
 - (a) whether the decision regards a controversial matter;

- (b) the number of persons who will be affected by the decision;
- (c) the fiscal impact the decision will have; or
- (d) whether a high level of public interest has been witnessed by the department.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-4-101, 2-4-102, MCA

NEW RULE 3 (32.2.105) NOTICE AND MEANS FOR PUBLIC PARTICIPATION

- (1) If the department determines that significant interest to the public is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making:
 - (a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, MCA;
 - (b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision, state law, local ordinance, or regulation;
 - (c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected, including:
 - (i) department name;
 - (ii) name of department representative most familiar with the proposed action; and
 - (iii) address, e-mail address, telephone and fax numbers where interested persons may submit their data, views, or arguments, orally or in writing, concerning the proposed action.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-3-104, MCA

Small Business Impact

The proposed new rules provide clear procedures for how members of the public may participate in department decisions. The rules apply equally to all members of the public and are not anticipated to have a different effect on any particular class or group of small business. As a result, there is no particular class or group of small businesses that will probably be affected by this proposed rulemaking to a significant or direct degree. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The department emailed HB 724's (2023) primary sponsor, Representative Brad Barker, on April 28 and July 23, 2025, to solicit comment, provide an invitation to meet, and advise on the rulemaking deadlines. Representative Barker had no feedback or comments on the proposed new rules.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the agency.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-302.1

Summary

Amendment of ARM 32.6.715 pertaining to meat inspection label review

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 25.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact person listed below. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing in writing to the contact person listed below. Comments must be received by Monday, September 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 18, 2025, at 5:00 p.m.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

General Reasonable Necessity Statement

The department proposes to amend ARM 32.6.715 to make the state meat inspection program's meat product labeling requirements more consistent with the United States Department of Agriculture's Food Safety and Inspection Service labeling requirements found in 9 C.F.R. § 412.1. Currently, claims or special statements are only reviewed and verified by the department on multi-ingredient products. The proposed amendment ensures that single ingredient products will also receive prior review and that their claims or special statements are accurate and not misleading to consumers in accordance with the Federal Meat Inspection Act.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

32.6.715 LABEL REVIEW

- (1) Except as set forth in (2), ~~t~~The label for a single ingredient product produced in an establishment under state inspection may be used on that product without prior review from the department.

- (2) The label for either a single ingredient product bearing special statements and claims as defined in (3) or a multiple ingredient product produced in an establishment under state inspection may not be used on that product unless the establishment has submitted the label for review and the label has been accepted by the department.
- (3) Special statements and claims are statements, claims, logos, trademarks, and other symbols on labels. Special statements and claims include, but are not limited to, the following:
- (a) Those not defined in the U.S. Department of Agriculture Food Safety and Inspection Service's regulations or Food Standards and Labeling Policy Book. The Code of Federal Regulations is available for review online at www.ecfr.gov, and the Food Standards and Labeling Policy Book is available for review online at www.fsis.usda.gov/sites/default/files/import/Labeling-Policy-Book.pdf. A copy of both documents may be obtained from the department at 301 North Roberts Street, P.O. Box 202001, Helena, Montana 59620-2001;
 - (b) "Natural" claims, regardless of whether they are defined in the Food Standards and Labeling Policy Book; and
 - (c) Health claims (including graphic representations of hearts), ingredient and processing method claims (e.g., breed, high-pressure processing), structure-function claims, claims regarding the raising of animals (e.g., "no antibiotics administered," "grass fed"), organic claims, and instructional or disclaimer statements concerning pathogens (e.g., "for cooking only," "not tested for *E. coli* O157:57").
- (3)(4) Requests for label review must be submitted on an department-approved label application form containing all required information.
- (4)(5) Establishments must maintain a copy of all labels used on products that bear the state mark of inspection.
- (6) The department may grant temporary approval for the use of a label that does not meet all regulatory requirements provided the following conditions are met:
- (a) The proposed label would not misrepresent the product.
 - (b) The use of the label would not present any potential health, safety, or dietary problems to the consumer.
 - (c) Denial of temporary approval would create undue economic hardship.
 - (d) Temporary approval would not result in an unfair competitive advantage.
- (7) Temporary approval under (6) shall not exceed 180 calendar days, provided, however, that the department may extend the temporary approval period when

the applicant demonstrates that new circumstances have developed since the original temporary approval was granted and that all the requirements of (6) are met.

~~(5)~~(8) The department's acceptance of a label is valid for three years from the date the acceptance was issued unless the department provides a shorter time period in its acceptance. Establishments must resubmit labels for renewal after the acceptance period has expired.

~~(6)~~(9) During the acceptance period, the establishment producing the label must ensure that the label is updated to meet all regulatory requirements following changes to the product formulation, processing procedures, regulation, or other events that may render the label noncompliant with applicable regulations.

Authorizing statute(s): 81-2-102, 81-9-220, MCA

Implementing statute(s): 81-9-220, 81-9-226, 81-9-228, 81-9-234, MCA

Small Business Impact

The department has determined that the class or group of businesses that will be directly affected by this proposed rulemaking are meat establishments holding a grant of inspection from the department. There are currently 25 such establishments in Montana. The establishments will be required to acquire prior approval from the department on certain single-ingredient meat product labels that previously did not require prior approval. This will require additional time and documentation, but will not include any department fees. Prior department approval may result in fewer labeling enforcement actions in the future. Livestock producers who wish to include special statements and claims on the meat products produced from their animals will be indirectly affected in the event prior approval is denied. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices.

Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-303.1

Summary

Amendment of ARM 32.2.404 and 32.18.201, adoption of NEW RULE 1, and repeal of ARM 32.18.401 and 32.18.403 pertaining to brand inspection requirements

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 13,738.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact information listed below. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing in writing to the contact information listed below. Comments must be received by Monday, September 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 18, 2025, at 5:00 p.m.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

32.2.404 BRANDS ENFORCEMENT DIVISION FEES

- (1) New brands and transfers:
 - (a) Recording of a new brand or mark:
 - (i) Recording of a new brand or mark during a rerecord year will not incur an additional rerecord charge.
 - (ii) Livestock or ornamental -\$200.00.
 - (iii) Seasonal brand for going to grass -\$200.00.
 - (iv) Seasonal brand for going to feed lot, market, or location -\$50.00.
 - (v) Cattle freeze brand in addition to hot iron brand -\$10.00.
 - (b) Transfer of a brand or mark, livestock or ornamental -\$200.00.
 - (i) Transferring of a brand or mark during a rerecord year will also incur rerecord charges.
 - (c) Rerecording a brand or mark, livestock or ornamental -\$175.00.
- (2) Inspections:

- (a) Game farm animal inspection - \$3.00 a head.
 - (i) ~~£~~The inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.
- (b) Hide inspection - \$1.00 a head.
- (c) Horse, mule, or ass inspection:
 - (i) ~~£~~Before moving across a county line or before change of ownership - \$10.00 a head.
 - (A) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal - \$3.00 a head.
 - (ii) ~~£~~Before sold or offered for sale at a licensed livestock market - \$10.00 a head.
- (d) Livestock inspection:
 - (i) ~~£~~Before moving across a county line or before change of ownership - \$1.00 a head.
 - (ii) ~~£~~Cow/calf pairs (spring going to pasture only) - \$1.00 a pair.
 - (iii) ~~£~~Before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse - \$1.00 a head.
- (3) Licenses:
 - (a) Hide dealer or buyer's license - \$5.00.
 - (b) Livestock agent, broker, or dealer license - \$250.00.
 - (c) Livestock market operator license or certificate - \$300.00.
 - (d) ~~Satellite~~ Livestock video auction market operator license - \$100.00.
- (4) Permits:
 - (a) ~~Adjacent state transportation permit \$10.00~~
 - ~~(b)~~(a) Adjoining county grazing permit:

Number of Animals	Fee
1-100	\$-30.00
101-200	\$-40.00
201-300	\$-50.00
301-400	\$-60.00
401-500	\$-70.00
501-600	\$-80.00

601-700	\$-90.00
701-800	\$-100.00
801-900	\$-110.00
901-1000	\$-120.00

~~(e)~~(b) Aerial hunting permit - ~~annual~~ \$50.00 annually.

~~(d)~~(c) Annual sheep permit for show purposes only within the state of Montana - \$1.00.

~~(e)~~(d) Domestic bison transportation permit - \$1.00 (no fee if online only).

~~(f)~~(e) Lifetime or permanent horse inspection permit - \$30.00 per head.

~~(g)~~(f) Lifetime or permanent bull inspection permit - \$30.00 a head.

~~(h)~~(g) Market consignment permit or transportation permit before moving across a county line - \$1.00 (no fee if online only).

~~(i)~~(h) Sheep transportation permit - \$1.00 (no fee if online only).

~~(j)~~(i) Releasing livestock, except horses, mules, or asses for removal from a licensed livestock market - \$1.00 a head.

~~(k)~~(j) Releasing horses, mules, or asses for removal from a licensed livestock market - \$10.00 a head.

~~(h)~~(k) Deeded land grazing permit:

(i) First-time application:

Number of Animals	Fee
1-50	\$-100.00
51-100	\$-125.00
101-200	\$-150.00
201-300	\$-175.00
301-400	\$-200.00
401-500	\$-225.00
501-600	\$-250.00
601-700	\$-275.00
701-800	\$-300.00
801-900	\$-325.00
901-1000	\$-350.00

(ii) Renewal:

Number of Animals	Fee
1-100	\$-40.00
101-200	\$-50.00
201-300	\$-60.00

301-400	\$-70.00
401-500	\$-80.00
501-600	\$-90.00
601-700	\$-100.00
701-800	\$-110.00
801-900	\$-120.00
901-1000	\$-130.00

(5) Miscellaneous fees:

- ~~(a)~~ Brand book—CD ~~\$15.00~~
- ~~(b)~~ Brand book—data download fee commensurate with cost
- ~~(c)~~ Brand book—paper copy (per county) ~~30.00~~
- ~~(d)~~(a) Certified copy of brand or mark record and duplicate certificate - \$10.00.
- ~~(e)~~(b) Copy of original livestock bill of sale - \$10.00.
- ~~(f)~~(c) Estray sale cost and disposition of animals if no bid is offered:
 - (i) cost for estray sale - \$100.00.
 - (ii) cost if owner claims before sale - \$50.00.
 - (iii) The department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.
- ~~(g)~~(d) Filing of a livestock lien or security interest - \$25.00.
- ~~(h)~~(e) Research/copy-scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.

Authorizing statute(s): 81-1-102, 81-3-202, MCA

Implementing statute(s): 81-3-205, 81-3-211, 81-4-602, 81-4-605, 81-5-112, 81-7-504, 81-8-256, 81-8-264, 81-8-271, 81-8-276, 81-8-304, 81-9-113, 81-9-411, MCA

Reasonable Necessity Statement

“Satellite video auction” is updated to “livestock video auction” to match the statutory language updates made in HB 153 (2023). The fee for adjacent state transportation permits is removed because the statutory requirement for these permits (81-3-214, MCA) was repealed in 2009. The fees for online transportation permits are removed because there are no department costs associated with the issuance of those permits, but fees for in-person permits

will remain to cover the local inspectors' service costs. Brand book fees are removed because the department's new ServiceNow online brand book makes the information available to the public at no cost. Non-substantive edits are done to increase readability of the rule.

32.18.201 BRAND INSPECTION

- (1) All livestock presented to a state stock inspector or a deputy stock inspector for a brand inspection must be inspected during daylight hours.
 - (a) Livestock may be inspected while on vehicles only when:
 - (i) the inspector can safely read all marks and brands; and
 - (ii) the animals are on an open truck or in a horse trailer.
- (2) The inspection shall permit the movement of livestock from the place of inspection immediately to the destination shown on the inspection certificate.
 - (a) Diversion or off-loading of the livestock is not allowed without further inspection:
 - (i) except for purposes of feed or water; and
 - (ii) only if there is no livestock at the off-loading place with which the livestock on the vehicle can mix or mingle.
- (3) The inspection certificate shall permit the movement of livestock identified thereon for no more than 36 hours after time of issue, except that a preslaughter inspection authorizing transportation to a slaughterhouse licensed under 81-9-201, MCA, shall permit movement of livestock for up to 7 days after the time of issue.

Authorizing statute(s): 81-3-202, MCA

Implementing statute(s): 81-3-203, 81-3-211, 81-3-213, 81-3-214, MCA

Reasonable Necessity Statement

It is not uncommon that unexpected slaughterhouse staffing, operations, or scheduling issues will prevent a slaughterhouse from accepting the livestock at the time originally scheduled with the owner. If the rescheduled appointment falls outside of the current 36-hour window for transport on a brands inspection, owners must pay for another inspection and/or permit. The proposed amendment aims to avoid this duplicate expense by allowing movement on a preslaughter brands inspection up to 7 days after issuance.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE I ACCEPTANCE OF ELECTRONIC SIGNATURES

- (1) The department's brands enforcement division will accept bills of sale signed by electronic signature.
- (2) Electronic signatures referenced in (1) must meet the definition set forth in 30-18-102(9), MCA.
- (3) Bills of sale signed with an electronic signature must include the name and title of the person signing electronically.

Authorizing statute(s): 30-18-118, 81-3-202, MCA

Implementing statute(s): 30-18-117, 81-3-210, MCA

Reasonable Necessity Statement

SB 80 (2025) recently amended 81-3-211(5), MCA, to allow the public to display digital copies of inspection documents, and this proposed rule will continue to promote the department's goal of moving towards a paperless brand inspection system. Acceptance of electronic signatures on bills of sale will also convenience producers who need to prove livestock ownership.

REPEAL

The rules proposed to be repealed are as follows:

32.18.401 BRAND INSPECTION STAMP

Authorizing statute(s): 81-9-112 MCA

Implementing statute(s): 81-9-112 MCA

Reasonable Necessity Statement

SB 78 (2025) removed the requirement in 81-9-112(2), MCA, that slaughtered livestock carcasses be stamped with an ink stamp, and thus the department is repealing the rules that implement the repealed ink stamp requirement.

32.18.403 QUARTERS TO BE STAMPED

Authorizing statute(s): 81-9-112, MCA

Implementing statute(s): 81-9-112, MCA

Reasonable Necessity Statement

SB 78 (2025) removed the requirement in 81-9-112(2), MCA, that slaughtered livestock carcasses be stamped with an ink stamp, and thus the department is repealing the rules that implement the repealed ink stamp requirement.

Small Business Impact

The department has determined that the class or group of businesses that will be directly affected by this proposed rulemaking are cattle, horse, bison, and sheep producers. This group will not be adversely affected by the proposed rulemaking because all proposed changes reduce either fees or brand inspection requirements applicable to these producers. Documentation of the small business impact analysis is available upon request. Regarding fiscal impact, for the past three years, an average of 6,500 online market consignment permits, 150 bison transportation permits, and 1,950 sheep transportation permits were issued annually. Removal of the online fee will result in a cumulative decrease of \$8,600/year for these producers.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, email, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written

requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the agency.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer



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DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-528.1

Summary

Amendment of ARM 37.104.501 and 37.104.518 pertaining to Emergency Medical Services

Hearing Date and Time

Tuesday, September 2, 2025, at 1:00 p.m.

Virtual Hearing Information

Join Zoom Meeting

<https://mt-gov.zoom.us/j/85257585900?pwd=jvS6CMzXaflZK6ClcqZueGwxLoIN28.1>

Meeting ID: 852 5758 5900 and Password: 684968

Dial by Telephone +1 646 558 8656

Meeting ID: 852 5758 5900 and Password: 684968

Find your local number: <https://mt-gov.zoom.us/j/85257585900?pwd=jvS6CMzXaflZK6ClcqZueGwxLoIN28.1>

Comments

Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may be submitted using the contact information below. Comments must be received by Friday, September 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, August 19, 2025, at 5:00 p.m.

Contact

Nicole Balcerzak
(406) 444-6902
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

37.104.501 DEFINITIONS

As used in this subchapter, the following definitions apply:

- (1) "Accrediting body" means a national or international organization which:
 - (a) reviews the facilities, vehicles, equipment, and operations of an ambulance service;
 - (b) uses trained site-surveyors with experience in medical transport at the level of accreditation and license;
 - (c) provides ambulance service accreditation for no more than three consecutive years without an updated inspection and reaccreditation;
 - (d) assures that ambulance services with identified deficiency standards will implement corrective action or improvement plans to correct any deficiencies; and
 - (e) provides transparency by making publicly available its standards, policies, procedures, and a list of accredited programs.

- (2) "Advanced emergency medical technician" has the meaning provided for under 37-3-102, MCA.
- (3) "Advanced life support (ALS)" means a level of care provided by an EMT with any endorsement issued by the board, an AEMT, or a paramedic.
- (4) "Advanced life support (ALS) kit" means, at a minimum, the equipment and supplies set forth under Table 5 of the Emergency Medical Services Rule Appendix.
- (5) "Advanced life support emergency medical service" means an ambulance service or nontransporting medical unit having capacity and licensed by the department to provide advanced life support 24 hours a day, seven days a week.
- (6) "Advisory committee" means the advisory committee specified in 50-6-324, MCA.
- (7) "Ambulance service" means an emergency medical service licensed by the department to utilize an ambulance for the transportation of patients.
- (8) "Automated external defibrillator (AED)" has the meaning provided for under 50-6-501, MCA.
- (9) "Basic life support (BLS)" means a basic life support level of care provided by an EMR or EMT that does not meet Advanced Life Support qualification.
- (10) "Basic life support emergency medical service" means an ambulance service or nontransporting medical unit capable of providing care at the basic life support level and licensed as a provider under ARM 37.104.509.
- (11) "Basic life support kit" means the equipment and supplies set forth under Table 4 of the Emergency Medical Services Rule Appendix.
- (12) "Board" means the Montana Board of Medical Examiners administratively attached to the Department of Labor and Industry.
- (13) "Emergency care provider (ECP)" has the meaning provided for under 37-3-102, MCA, and for the purposes of this chapter, includes registered nurses with supplemental training.
- (14) "Emergency medical responder (EMR)" has the meaning provided for under 37-3-102, MCA.
- (15) "Emergency medical service incident" means an instance in which an ambulance service or nontransporting medical unit is requested to provide services, including community integrated health or a mutual aid request, and with respect to which any of the following occur:
 - (a) a patient was assessed;
 - (b) medical care was rendered;
 - (c) a patient was transported;

- (d) a patient was pronounced dead at the scene;
 - (e) a patient was transferred to another licensed service;
 - (f) a patient was transferred from one medical facility to another; or
 - (g) the person or persons for whom emergency medical service was dispatched refused treatment, transport, or both.
- (16) "Emergency Medical Services Rule Appendix" means the department's Emergency Medical Services Rule Appendix (~~Version 1.0~~) (Version 1.1), which sets forth operational requirements for Emergency Medical Service providers. The department adopts and incorporates by reference the Appendix. A copy of the Appendix is available electronically at <https://dphhs.mt.gov/publichealth/EMSTS/ems/resources> and may also be obtained from the Department of Public Health and Human Services, Public Health and Safety Division, Emergency Medical Services and Trauma Systems Section, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.
- (17) "Emergency medical technician (EMT)" has the meaning provided for under 37-3-102, MCA.
- (a) An EMT is equivalent to the emergency medical technician-basic as required under 50-6-322, MCA.
- (18) "FAA" means the Federal Aviation Administration.
- (19) "Level of emergency medical service" means basic life support, basic life support with authorization for limited advanced life support, or advanced life support.
- (20) "Montana ECP Practice Guidelines" means the board-approved guidelines in ARM 24.156.2701.
- (21) "Montana EMS Registry" means the electronic repository of data submitted by Montana emergency medical service agencies that is administered by the department for quality improvement and public health reporting purposes.
- (22) "Paramedic" has the meaning provided for under 37-3-102, MCA.
- (23) "Patient care report" means an accurate and complete record of the response by an ambulance service or nontransporting medical unit to each emergency medical service incident.
- (24) "Permit" means the sticker affixed to a ground ambulance or a certificate placed in an air or ground ambulance indicating the ambulance vehicle has met the requirements of these rules.
- (25) "Provisional license" means a temporary emergency medical service license granted by the department that is valid for a maximum of 90 days.

- (26) "RN with supplemental training" means a registered nurse who has completed the supplemental training required to work on an ambulance or nontransporting medical unit.
- (27) "Safety and extrication equipment kit" means the equipment and supplies set forth under Table 6 of the Emergency Medical Services Rule Appendix.
- (28) "Service manager" means the individual identified on the Emergency Medical Services license application as the service manager and who is responsible for ensuring service operations are conducted in compliance with all applicable statutory and regulatory requirements.
- (29) "Service medical director" means a person who meets the requirements of a medical director as provided in ARM 24.156.2701 and provides offline medical direction for an emergency medical service pursuant to ARM 24.156.2732.
- (30) "Stipulations" mean those conditions specified by the department at the time of licensing which must be met by the applicant in order to be licensed as an emergency medical service.
- (31) "Supplemental training" means training for registered nurses approved by the service manager of an emergency medical service licensed at the basic life support level of service, or the service medical director for all other levels of service. A list of suggested training is set forth in Table 11 of the Emergency Medical Services Rule Appendix.
 - (a) The training must recognize the registered nurse's education and experience and result in emergency medical competency at the emergency medical service's license level.
- (32) "Temporary permit" means a written, non-transferable authorization of limited duration indicating an ambulance vehicle may be used by a licensed ambulance service until a permit can be issued.
- (33) "Transportation equipment kit" means the equipment and supplies set forth under Table 7 of the Emergency Medical Services Rule Appendix.
- (34) "Type of emergency medical service" means either an air ambulance fixed wing, air ambulance rotor wing, ground ambulance, or nontransporting medical unit.

Authorizing statute(s): 50-6-323, MCA

Implementing statute(s): 50-6-323, MCA

37.104.518 ADVISORY COMMITTEE

- (1) The purpose of the advisory committee is to advise the department consistent with 50-6-323, MCA, on matters including:
 - (a) the equipment and materials required for an emergency medical service;
 - (b) the data to be collected and submitted to the department;
 - (c) the information contained in an abbreviated patient encounter form submitted to a hospital; and
 - (d) in consultation with the Department of Labor and Industry or the board, patient care standards and guidelines and guidance on supplemental training for registered nurses.
- (2) The membership of the advisory committee consists of ~~17~~ 18 individuals appointed by the department director, taking into consideration the geography and demography of Montana, as follows:
 - (a) an emergency medical services fellowship trained or national board-certified emergency medical services physician who will serve as chair;
 - (b) two service medical directors, one of whom is employed by an emergency medical service serving a population greater than 20,000 persons;
 - (c) a representative from the Department of Labor and Industry;
 - (d) a representative from the department's Emergency Medical Services for Children Committee;
 - (e) a representative from the department's State Trauma Advisory Council;
 - (f) a service manager from a government-owned ground ambulance service;
 - (g) a service manager from a privately owned ground ambulance service;
 - (h) a service manager from a hospital-owned ground ambulance service;
 - (i) a service manager from a not-for-profit ground ambulance service;
 - (j) an ECP service manager of a nontransporting medical unit;
 - (k) an ECP service manager of an air ambulance;
 - (l) an ECP from a tribal emergency medical service provider;
 - (m) an ECP from a volunteer emergency medical service provider;
 - ~~(n)~~(n) an RN with supplemental training that is on an emergency medical service roster;
 - ~~(n)~~(o) a sworn officer representative from a law enforcement agency;

~~(p)~~(p) a representative of a 9-1-1 dispatch organization who is trained in emergency medical dispatch; and

~~(q)~~(q) a member of the public not affiliated with the emergency medical service system.

- (3) Individuals who are interested in serving on the advisory committee must submit to the department an application that is available on the department's web site along with a resume and letter of interest.
- (4) The membership term is three years with the initial terms of membership randomly assigned for the purpose of ensuring staggered terms. Members of the advisory committee may seek reappointment to serve additional terms.
- (5) The advisory committee will meet publicly at least twice each year and will conduct its business in person or, when appropriate, by electronic means.

Authorizing statute(s): 50-6-323, MCA

Implementing statute(s): 50-6-324, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) proposes to amend ARM 37.104.501 and 37.104.518 pertaining to licensure of emergency medical service providers. The proposed amendments were developed in consultation with the ambulance service advisory committee established under 50-6-324, MCA

ARM 37.104.501

The department proposes to amend this rule to adopt and incorporate by reference an updated version of the Emergency Medical Services Rule Appendix. The updated version of the appendix revises the types of equipment emergency medical service providers are required to carry or maintain. The proposed changes to the appendix are intended to reduce financial barriers and simplify equipment requirements while still ensuring patient and provider safety and appropriate level of care. The department also proposes to revise the appendix to update required minimum ambulance specifications to ensure patient safety. A copy of the proposed appendix is electronically available at:
<https://dphhs.mt.gov/publichealth/EMSTS/ems/resources>.

ARM 37.104.518

The department proposes to amend this rule setting forth the composition of the ambulance service advisory committee established under 50-6-324, MCA. The department proposes to

provide for an additional member of the committee consisting of a volunteer emergency medical service provider so that these providers are represented on the committee.

Effective Date

The department intends for these rule amendments to be applied retroactively to June 30, 2025.

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses probably affected by the proposed rules are those licensed as emergency medical service providers. The department does not anticipate the proposed rules will have a probable significant and direct effect on these small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be emailed, mailed, or otherwise delivered to the contact person above.

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director
Department of Public Health and Human Services



MONTANA
ADMINISTRATIVE
REGISTER



COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE MONTANA STATE AUDITOR

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-164.1

Summary

Amendment of ARM 6.10.501(3)(d) pertaining to salespersons and investment adviser registration fees

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 1543.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Tiffany Hoffman, Paralegal, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3499; TDD (406) 444-3246; or e-mail tiffany.hoffman@mt.gov. Comments must be received by Friday, September 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, August 19, 2025, at 5:00 p.m.

Contact

Tiffany Hoffman
(406) 444-2040
tiffany.hoffman@mt.gov
(406) 444-3246
Fax: (406) 444-3499

General Reasonable Necessity Statement

The Commissioner of Securities and Insurance, Montana State Auditor, James Brown (commissioner) is the statewide elected official responsible for regulating securities in Montana. The 69th Montana Legislature passed House Bill 137 by amending 30-10-209(2)(b)(i), MCA, to eliminate the distinction between the registration fee for in-state and out-of-state salespersons or investment adviser representatives. This change eliminates both the need for and legal basis of the refund process outlined in ARM 6.10.501(3)(d). HB 137 was effective as of its passage and approval on May 12, 2025.

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

6.10.501 REGISTRATION AND EXAMINATION - SECURITIES SALESPERSON, INVESTMENT ADVISER REPRESENTATIVES, BROKER-DEALERS, AND INVESTMENT ADVISERS

- (1) To become registered in this state as a securities salesperson or an investment adviser representative, the individual applicant shall pass the Financial Industry Regulatory Authority, Inc. (FINRA) uniform securities agent state law exam or the uniform combined state law examination, or an examination designated by the

commissioner. The applicant must also complete an application form described in (2). A salesperson applying to register with an issuer does not have to take an examination.

- (2) Each application for registration in this state must be made on the most current revised uniform application form as adopted by the North American Securities Administrators Association (NASAA), unless the commissioner, by order, designates another form. Broker-dealers shall use FINRA form BD, investment ~~adviser representatives~~ advisers shall use FINRA form ADV, and securities salespersons and investment adviser representatives shall use FINRA form U-4.
- (3) Except as provided in (3)(a) and (b), all applications, amendments, reports, notices, related filings, and fees required to be filed with the commissioner shall be filed electronically with and transmitted to the FINRA's investment adviser registration depository (IARD) for investment advisers and investment adviser representatives or to the FINRA's central registration depository (CRD) for broker-dealers and salespersons:
 - (a) except as provided in (3)(b), salespersons representing issuers, salespersons of non-FINRA firms and broker-dealers that are not members of the FINRA shall file all applications, amendments, reports, notices, related filings, and fees directly with the commissioner;
 - (b) in the commissioner's discretion, the commissioner may by order provide for a manner of filing an application to register or an application to terminate registration different from the procedures provided in this rule; and
 - (c) notwithstanding (3) of this rule, the electronic filing of any particular document and the collection of related processing fees shall not be required until such time as IARD provides for receipt of such filings and fees. Any documents or fees required to be filed with the commissioner that are not permitted to be filed with or cannot be accepted by IARD shall be filed directly with the commissioner; and.
 - ~~(d) pursuant to 30-10-209, MCA, those in-state salespersons and investment adviser representatives that file applications on the Form U-4 must submit a Resident Affidavit form with a form W-9 within 30 days of acceptance of the Form U-4 to receive a refund of the difference between out-of-state registration and in-state registration fees.~~
- (4) Any individual who has been registered as an agent in any state within two years from the date of filing an application for registration shall not be required to retake the examinations in (1) to be eligible for registration.
- (5) Any individual who is not registered as an agent in any state for more than two years but less than five years, who has elected to participate in the FINRA Maintaining Qualifications Program (MQP) pursuant to FINRA Rule 1240(c), and

whose appropriate FINRA qualifying examinations remain valid pursuant to effective participation in the MQP shall be deemed in compliance with the examination requirements of (1) as long as the individual elects to participate in the NASAA Examination Validity Extension Program (EVEP) within two years of agent registration termination.

- (6) Any individual who has not been registered as an agent in any state for more than two years but less than five years, who has elected to participate in the FINRA MQP pursuant to FINRA Rule 1240(c), and whose appropriate FINRA qualifying examinations remain valid pursuant to effective participation in the FINRA MQP shall be deemed in compliance with the examination requirements of (1).
- (7) Successful participation in the FINRA MQP shall not extend the Series 66/Uniform Combined State Law Examination for purposes of investment adviser representative registration.
- (8) Each person registered pursuant to 30-10-201, MCA, wishing to terminate registration shall file an application to terminate registration. Each application to terminate registration must be made on the most current revised uniform termination form as adopted by NASAA, unless the commissioner, by order, designates another form. Broker-dealers shall use form BDW, investment advisers shall use form ADV-W, and securities salespersons and investment adviser representatives shall use form U-5.
- (9) An individual who terminates their registration as an investment adviser representative may maintain the validity of their Series 65/Uniform Investment Adviser Law Examination (Series 65 Examination) or the investment adviser representative portion of the Series 66/Uniform Combined State Law Examination (Series 66 Examination), as applicable, without being employed by or associated with an investment adviser or federal covered investment adviser for a maximum of five years following the termination of the effectiveness of the investment adviser representative registration if the individual meets all of the following:
 - (a) the individual previously passed the examination for which they seek to maintain validity under this rule;
 - (b) the individual was registered as an investment adviser representative for at least one year immediately preceding the termination of the investment adviser representative registration;
 - (c) the individual was not subject to a statutory disqualification as defined in Section 3(a)(39) of the Exchange Act while registered as an investment adviser representative or at any period after termination of the registration;
 - (d) the person elects to participate in EVEP under (9) within two years from the effective date of the termination of the investment adviser representative registration;

- (e) the individual does not have a deficiency under the investment adviser representative continuing education program at the time the investment adviser representative registration becomes ineffective;
 - (f) the person completes annually on or before December 31 of each calendar year in which the person participates in the IAR EVEP:
 - (i) six credits of IAR CE Ethics and Professional Responsibility Content offered by an Authorized Provider, including at least three hours covering the topic of ethics; and
 - (ii) six credits of IAR CE Products and Practice Content offered by an Authorized Provider;
 - (g) an individual who elects to participate in EVEP is required to complete credits required by (9)(f) for each calendar year that elapses after the individual's investment adviser representative registration became ineffective regardless of when the individual elects to participate in EVEP; and
 - (h) an individual who complies with the FINRA MQP under FINRA Rule 1240(c) shall be considered in compliance with (9)(f)(ii).
- (10) Each change in the information included in an application for registration or termination must be set forth in an amendment to the application and filed with the commissioner within 30 days after the change occurs.
- (11) Upon the written request of an applicant and for good cause shown, the commissioner may waive any of the requirements of this rule.

Authorizing statute(s): 30-10-107, 30-10-209, MCA

Implementing statute(s): 30-10-201, MCA

Small Business Impact

The repeal of ARM 6.10.501(3)(d) would have a de minimis, if any, impact on Montana's small businesses. This action removes the \$50 licensure refund mechanism that existed solely for in-state investment advisers. In 2025, only 39 individuals requested the applicable \$50 refund, while only 37 and 33 individuals did so in 2024 and 2023, respectively. The \$1,950 in cumulative refunds were focused at the individual level and did not concern small businesses. Repealing ARM 6.10.501(3)(d) brings this section of the Administrative Rules of Montana into compliance with the legislative developments required by HB 137. The public may request documentation of the small business impact analysis upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

CSI maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list must make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2040 or 1-800-332-6148; fax (406) 444-3413; TDD (406) 444-3246; or e-mail csi@mt.gov.

Rule Reviewer

George Nemie, Legal Counsel

Approval

Kirsten Madsen, Deputy Securities Commissioner



**MONTANA
ADMINISTRATIVE
REGISTER**



BOARD OF PUBLIC EDUCATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-215.2

Summary

Amendment of ARM 10.63.110 and adoption of NEW RULE 1 pertaining to Early Numeracy Integration and Early Childhood Education Standards

Previous Notice(s) and Hearing Information

On June 27, 2025, the Board of Public Education published MAR Notice No. 2025-215.1 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules in Issue Number 12 of the 2025 Montana Administrative Register. On July 18, 2025, the board held a public hearing to consider the proposed rulemaking.

Final Rulemaking Action – Effective August 9, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (10.54.903) EARLY NUMERACY INTEGRATION FOR 2025-26 SCHOOL YEAR

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

10.63.110 EARLY LEARNING DEVELOPMENTAL DOMAINS AND CONTENT STANDARDS

(1) remains as proposed.

(2) The following early learning content standards are aligned to the Montana K-12 Content Standards and highlight what students should know, understand, and be able to do upon entering kindergarten. All early learning content standards are applicable for public preschool programs while only the English Language Arts and Literacy and Mathematics and Numeracy Content Standards apply to early targeted interventions implemented through the classroom-based program for 4-year-olds and summer jumpstart program preceding kindergarten.

(a) remains as proposed.

(b) remains as proposed but is renumbered (c).

(c) remains as proposed but is renumbered (b).

(d) through (f) remain as proposed.

Authorizing statute(s): Mont. Const. Art. X, sec. 9, 20-2-114, 20-7-101, 20-7-1803, MCA

Implementing statute(s): Mont. Const. Art. X, sec. 9, 20-7-101, 20-7-117, 20-7-1803, MCA

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Two commenters proposed revising the sequence of the developmental domains listed in the Early Childhood Education Standards, specifically ARM 10.63.110(2), and proposed moving mathematics and numeracy standards before creative arts standards, so that mathematics and numeracy standards follow English language arts and literacy standards. The remainder of the sequence would remain unchanged.

Response 1: The board agreed with Comment 1 and stated that the revision was appropriate, given the change in the early targeted interventions to include early numeracy, so reordering the domains to include the two priority domains at the beginning was important.

Contact

McCall Flynn
(406) 444-6576

bpe@mt.gov

Rule Reviewer

McCall Flynn

Approval

Dr. Tim Tharp

Board Chair



MONTANA
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REGISTER



DEPARTMENT OF COMMERCE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-131.2

Summary

Amendment of ARM 8.94.3727 pertaining to the Grant Administration Manual of the Community Development Block Grant Program

Previous Notice(s) and Hearing Information

On May 9, 2025, the Department of Commerce published MAR Notice No. 2025-131.1 pertaining to the public hearing on the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 9.

Final Rulemaking Action – Effective August 9, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

8.94.3727 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE CDBG PROGRAM

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT NO. 1: A commenter stated that accessible and good infrastructure is necessary for all Montanans, including those with disabilities. The commenter requested that all infrastructure projects consider factors such as clean and healthy water, food deserts,

community and rural needs, and universal design, along with the accessibility of infrastructure for people with disabilities.

RESPONSE NO. 1: The CDBG program’s flexibility empowers people and communities to design and implement strategies tailored to local needs and priorities. CDBG applicants prioritize their community needs prior to applying for funding. The CDBG Grant Administration Manual provides guidance on how to comply with both state and federal rules and regulations.

COMMENT NO. 2: A commenter asked about the manual’s reference to “toolkits” and where one can find the toolkits. The commenter suggested keeping references to the toolkits consistent throughout the manual, including the reference to their specific location. The commenter suggested the manual should include the following language regarding toolkits as an explanation for how toolkits should be used:

“This chapter offers background information on the CDBG program and summarizes the key considerations and important steps each Grantee should take after the project is formally awarded CDBG funds. An important element to ensure a comprehensive understanding of CDBG requirements is the various “toolkits”, which are provided in association with many CDBG tasks to provide further guidance, forms, and templates. Toolkits can be found _____ for easy reference. Grantees are required to comply.”

The commenter also asked that the department change the formatting of bullets in Chapter 5 for clarity and ease of reading. Additionally, the commenter asked if, on page 3 of Chapter 6, the 15 listed items under the header entitled, “Steps to Ensuring Compliance with Construction and Labor Requirements” are the only requirements necessary to ensure compliance. Or, if additional requirements are necessary to ensure requirements, specifically, all of the information up to pages 4 through 9.

RESPONSE NO. 2: The department agrees with the comments. In response, the department has included the commenter’s suggested language regarding the location of the toolkits to the Overview section of the “Getting Started” chapter. The formatting in Chapter 5 has been updated to clarify the items required for a Request for Reimbursement. Regarding the commenter’s last point, the 15 items are the steps necessary to comply with construction and labor requirements. It is an overview of the documents, and the listed items provide clarification on the items required for different professional service types, bid document drafting and reviews, publishing bid advertisements, and when to check Davis-Bacon wage determinations prior to the lock-in date. The department has updated language in each chapter to refer to website locations consistently.

COMMENT NO. 3: A commenter submitted a PDF of chapters 5 and 7 with annotated comments about proposed language and formatting. They expressed concern regarding regulatory requirements and how they are in conflict with their county’s current practices, particularly related to the non-interest-bearing account requirements for CDBG funds. The

commenter questioned several MCA citations and federal audit requirements and how they apply to the CDBG program.

RESPONSE NO. 3: Thank you for submitting these comments. In response, the department has updated the language in the Budgetary Authority section to reflect MCA and additionally suggested items. CDBG grantees that pay for CDBG-related expenses prior to requesting a reimbursement from the department are not required to deposit funds into a non-interest-bearing account. The requirement for depositing CDBG funds into a non-interest-bearing account applies to grantees that request their CDBG funds prior to paying outstanding invoices.

With respect to comments about audit requirements, 2 CFR 200.501(a) states, “A non-Federal entity that expends \$1,000,000 or more during the non-Federal entity’s fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.” The department has updated the audit language to mirror the Code of Federal Regulations and ensure consistency with 2 CFR 200.501.

The department updated the language to state, “Grantees found to be exempt from the Single Audit Act may arrange for a separate audit through the Local Government Services.”

COMMENT NO. 4: The department received a comment about the audit requirement in Chapter 7 – Project Monitoring and Closeout. The commenter noted that state law requires local governments to have GAAP audits performed if certain criteria are met. Citing 2-7-503(3)(a), MCA, the commenter noted that the threshold requiring an audit is \$750,000 in federal expenditures or \$750,000 in total revenue. Beginning in fiscal year 2026, both thresholds are increased to \$1,000,000. The commenter stated that GAAP audits are expensive, and currently the number of qualified independent auditors who are on the roster and available to conduct a GAAP audit is very limited. The commenter suggested that instead of a GAAP audit, the requirement should be for a program review. A program review can be done by the granting agency or the granting agency can contract to have one done. The review can be targeted to the specific grant and can focus on compliance specific to the grant and financial requirements of the grant.

RESPONSE NO. 4: The department thanks the commenter for the comment. The department has updated the federal audit requirements in Chapters 5 and 7 to clarify when an audit is required per 2 CFR 200.501 and 2-7-500, MCA. Clarifications included changing the language regarding organization-wide audits and separate audits to reflect the audit language in the associated CFRs.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov
Montana Relay: 711

Rule Reviewer

Brenda Elias

Approval

Mandy Rambo, Deputy Director



**MONTANA
ADMINISTRATIVE
REGISTER**



PUBLIC SAFETY OFFICER STANDARDS AND TRAINING COUNCIL

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-113.2

Summary

Amendment of ARM 23.13.207, 23.13.208, and 23.13.801 pertaining to the certification of public safety officers

Previous Notice(s) and Hearing Information

On May 23, 2025, the Public Safety Officer Standards and Training Council published MAR Notice No. 2025-113.1 pertaining to the proposed amendment of the above-stated rules in Issue Number 10 of the 2025 Montana Administrative Register. No hearing was held.

Final Rulemaking Action – Effective August 9, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

23.13.207 REQUIREMENTS FOR THE PUBLIC SAFETY OFFICER INTERMEDIATE CERTIFICATE

23.13.208 REQUIREMENTS FOR PUBLIC SAFETY OFFICER ADVANCED CERTIFICATE

**23.13.801 MINIMUM STANDARDS FOR THE APPOINTMENT AND CONTINUED EMPLOYMENT
OF PUBLIC SAFETY OFFICERS**

Statement of Reasons

No comments were received.

Contact

Katrina Bolger
(406) 444-9974
kbolger@mt.gov
Fax: (406) 444-9978

Rule Reviewer

Alwyn Lansing

Approval

Jesse Slaughter, Chair, Montana POST Council



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF FISH, WILDLIFE AND PARKS

NOTICE OF ADOPTION OF EMERGENCY RULE

MAR NOTICE NO. 2025-301.1

Summary

Adoption of an emergency rule closing a portion of the Sun River

Reason

The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of an emergency rule:

- (1) The portion of the Sun River beginning 500 feet upstream and ending 500 feet downstream of the Sun River Bridge, also known as the Pishkun Road Bridge, is closed due to the construction of a new bridge across the Sun River.
- (2) The closure is necessary to protect public safety.
- (3) The closure will remain in place until either the emergency rule lapses or the construction is complete and the department determines the site is safe for the public to use.
- (4) Therefore, as this situation constitutes an imminent peril to public health, safety, and welfare, due to the combination of unsafe conditions, and this threat cannot be averted or remedied by any other administrative act, the department adopts the following emergency rule. This emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties and published as an emergency rule in issue No. 15 of the 2025 Montana Administrative Register.

Effective Date

Wednesday, July 23, 2025

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 22, 2025 at 5:00 p.m.

Contact

Audrey Kelly
(406) 594-8073
audrey.kelly@mt.gov

ADOPT

The agency is adopting:

Rule 1 EMERGENCY CLOSURE OF PORTIONS OF THE SUN RIVER

- (1) The Sun River is located in Teton County and Lewis and Clark County.
- (2) The portion of the Sun River beginning 500 feet upstream and ending 500 feet downstream of the Sun River Bridge, also known as the Pishkun Road Bridge, is closed due to construction work to replace the Sun River Bridge.
- (3) The closure of this portion of the Sun River will remain in place until either the emergency rule lapses or the construction is complete and the department determines the site is safe for the public to use. Signs closing this portion of the Sun River will be removed when the rule is no longer effective.

Authorizing statute(s): 2-4-303, 87-1-202, MCA

Implementing statute(s): 2-4-303, 87-1-202, MCA

Interested Persons

The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department, commission or board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or

email address of the person to receive the notice. Written requests may be mailed or delivered to the Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be completed online at <https://public.govdelivery.com/accounts/MTFWP/subscriber/new>.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Committee Notification

The special notice requirements of 2-4-303, MCA have been met. All committee members and staff of the Environmental Quality Council, with addresses provided on the Montana Legislature's website (leg.mt.gov) were contacted by e-mail on Wednesday, July 23, 2025.

Rule Reviewer

Alexander Scolavino

Approval

Quentin Kujala, Chief of Conservation Policy